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10/558,476

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Claus Dietze

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EXAMINER

WALSH, DANIEL I

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/558,476	Applicant(s) DIETZE, CLAUS	
	Examiner DANIEL WALSH	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Final Rejection includes the rejection of claim 4 which was inadvertently left out of the previous Final Rejection. Any delay is regretted.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6-8, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Vilppula et al. (WO 0069183), as cited by the Applicant.

Re claim 1, Vilppula et al. teaches a chip card with at least one application for which an implementation and an entry referring to the implementation are present on the chip card, and wherein a plurality of entries referring to the same implementation are present on the chip card (applications 60-68, abstract, and page 3, lines 1+). The Examiner has interpreted that the implementation can be interpreted as the user profile which is interpreted as having one/plurality of entries referring to it, wherein the entry is interpreted as the entry/listing that refers to the type of application, or such as set forth by directory 70 via the AID, and the application is interpreted as the actual applications listed in the user profile, the listing being interpreted as the entries, the applications providing network access (GSM/WAP network access). For purposes of examination, the Examiner has interpreted “executed” to mean to put into effect/carried out.

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For clarification, the implementation (user profile as per p. 11 of Vilppula et al.) is interpreted as put into effect/carried out/executed in a first way based on the entries it starts with in that if a given profile has a given set of associated applications (one of them being a starting entry) that a different set of applications (such as shown for various profiles as per the table on p. 11 of Vilppula et al.) would cause the implementation to be executed differently. Simply put, the user profile is executed differently, if there are a different set of applications, since these different applications would need to be accessible.

Alternatively, the implementation (user profile as per p. 11 of Vilppula et al.) is interpreted as executed in different way based on the entry the implementation (user profile) starts with in as much as the user profile is put into effect/carried out differently if a user starts with running a GSM application versus running an e-money application (as per p. 11 profiles of Vilppula et al.), because the user profile is executed in different ways as it is being executed for different purposes (depending on which application is being selected to start/run/which user is using the card). For example, profile 8 could be executed in different ways in that it might be executed for GSM application or it might be later executed for a WAP or profile modification application.

The Examiner has interpreted that the AIDs in the DIR 70 are interpreted as several entries present on a chip card and that these entries are associated with the same implementation. Vilppula teaches that if profile 2 has been selected that the DIR file will only contain the AIDs for the profile 2 applications. Therefore, the AID are interpreted as entries present on a chip card and associated with the same implementation/user profile.

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Re claim 2, Vilppula et al. teaches entries characterizing different virtual applications refer to the same implementation, as discussed above, where the entries referring to the same implementation (of the same profile) characterize different virtual applications. Additionally, the Examiner notes that different application program groups have a degree of overlap.

Re claim 6, this claim is a matter of intended use, and therefore is not patentable. Nonetheless, Vilppula et al. teaches the limitations (page 1, lines 2+).

Re claim 7, network access authorization is understood (access to a portable/cellular phone network, and see page 9+) and a corresponding plurality of telephone applications, as discussed above (table page 11). Further, the Examiner notes that the intended use of a device is not patentable (“for providing”).

Re claim 8, (page 11, table) shows entries provided for each application for providing network access authorization (GSM/WAP), the entries referring to the same implementation (profile) and wherein different network access authorization is made through each entry.

Re claims 7-8, as network access is provided, this is interpreted as authorizing.

Re claims 10-11, the limitations have been discussed above. Though silent to referring jointly, the Examiner notes that it would have been obvious to have joint referring, since the Examiner has interpreted that entries are listings/entries of the available applications in a profile/implementation, and therefore it would have been obvious that having a plurality of applications available in a single profile/implementation would include pluralities of entries (joint referring), based on the desired applications associated. The Examiner has interpreted that based on which entry the implementation/profile starts with, the implementation is executed

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differently, as discussed above, which also applies to claim 11, since it depends on which entry is evaluated.

As discussed above, based upon which entry is started with/evaluated of the implementation, execution can be different (i.e. different applications).

Claim Rejections - 35 USC § 103

3. Claims 3-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilppula et al., as discussed above.

The teachings of Vilppula et al. have been discussed above.

Re claim 3, Vilppula et al. is silent to the entries each containing a freely selectable information sequence. However, the Examiner notes that as the user is able to select the applications available to them (executed via the entries of the user profile) it would have been obvious to contain a freely selectable information sequence to permit a user to select an application to be run.

Re claim 4, as there are different applications with the same implementation, the Examiner notes it would have been obvious that there would be different content, corresponding to the different applications within a given profile/implementation.

Re claim 5, though silent to the freely selectable information sequences having specifications for execution of the associated implementation, the Examiner notes that it would have been obvious to one of ordinary skill in the art, that by selecting a given entry of a plurality of entries referring/part of a given implementation, that specifications/directions would be

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included so that the application/implementation can be executed, for operational purposes. Such specifications can include software, machine code, etc. for example, so that selection of the sequence results in applications of the implementation being run. Specifications would be obvious to include in order running an application for example (so the card knows how to run an application for example).

Re claim 9, as discussed above, the Examiner notes that as the entries are selected to invoke the virtual applications for network access. Though silent as to having different parameters and effectuate the use of the data belonging to the particular network access authorization, the Examiner notes it would have been obvious to have different parameters and to use data belonging to the particular network access authorization, in order to access different networks, for use by different users, etc. to provide expected results of different network connectivity.

Additional Remarks

The Examiner has interpreted that Vilppula does disclose an association of several entries present on a chip card with the same implementation. The Examiner has interpreted that the AIDs in the DIR 70 are interpreted as several entries present on a chip card and that these entries as associated with the same implementation. Vilppula teaches that if profile 2 has been selected that the DIR file will only contain the AIDs for the profile 2 applications. Therefore, the AID are interpreted as entries present on a chip card and associated with the same implementation/user profile.

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The Examiner maintains that claim 1 is not interpreted in a manner consistent with the specification, because the Examiner notes that he has interpreted “executed” in a broad and reasonable manner which does not exclude that set forth in the specification.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409.

The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/
Primary Examiner, Art Unit 2887